b) having a customer return the reusable container, or c) monitoring the return of said containers by scanning the RFID.

During the telephone interview, the Examiner inquired as to the relevance of U.S. Patent 5,953,682, issued to McCarrick. Applicants pointed out that McCarrick merely teaches an "inventory control collar" placed on an industrial gas cylinder. Nowhere does McCarrick teach or suggest an RFID, or monitoring return of the industrial gas cylinder by scanning an RFID. (McCarrick also does not teach monitoring the return of the industrial gas cylinder to the gas vendor by scanning the inventory control collar.)

During the telephone interview, the Examiner raised the issue as to whether claims 5, 13 and 18 claimed statutory subject matter pursuant to 35 USC 101. (The focus of this inquiry was related to whether the entire method could be performed by a human without any automation.) Applicants point out that claim 5 depends upon claim 1, which requires "electronically querying the radio frequency identification devices...." Therefore, claim 5 satisfies 35 USC 101. Applicants have amended claims 13 and 18 to overcome any possible rejections thereof based on 35 USC 101.

The Examiner indicated that there might be an objection to the use of the acronym "RFID" in certain claims. Applicants have replaced "RFID" with radio frequency identification tags.

On November 4, 2004, the Examiner brought to Applicants' attention U.S. Patent 5,608,193, issued to Almogaibil. This reference does not teach or suggest RFIDs, or the return of reusable containers by customers. It is wholly irrelevant to the present invention.

In subsequent telephone conversations, the Examiner suggested that Applicants' attorney might want to take a look at U.S. Patents 6,448,886; 6,424,262; 5,608,193; 6,693,539; and 5,963,134. First, the '262 and '886 patents are continuations of U.S. Patent 6,232,870, which is already of record and has been considered. Second, none of these patents pertains to reusable containers or RFIDs coupled to reusable containers. In short, none of these references is relevant to Applicants' invention.

Finally, on November 3, 2004, Applicants' attorney and the Examiner discussed the fact that this is the fourth office action in this application, and none of the references cited thus far have taught or suggested:

> identifying which customers have returned their reusable containers by electronically querying the radio frequency identification devices attached to the reusable containers collected from said customers.

Claim 1. The Examiner agreed that he would to one more search, and if he could not locate a reference teaching this limitation he would allow the Application.

Applicants have added three independent claims. These claims are supported by the specification and are not disclosed in the cited art.

CONCLUSION

As claims 1-49 distinguish over Mitchell, Applicants earnestly request that the application be allowed. If the Examiner's next action is other than allowance, the Examiner is respectfully requested to telephone Applicants' attorney at (408) 732-9500 to discuss this matter.

Respectfully submitted,

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Pursuant to rule 37 CFR 1.8, Applicant's attorney hereby certifies that this document is being sent by facsimile to the United States Patent and Trademark Office, FAX number 703-872-9306 on January 19, 2005.

Signature

January 19, 2005
Date

EXHIBIT A

1. (Previously presented) A method comprising:

providing goods in reusable containers, said reusable containers having a radio frequency identification device attached thereto;

establishing a relationship between a radio frequency identification device and a memory;

providing said goods in said containers to customers;

collecting said reusable containers from said customers; and

identifying which customers have returned their reusable containers by electronically querying the radio frequency identification devices attached to the reusable containers collected from said customers.

2. (Previously presented) Method of claim 1 wherein said establishing of said relationship comprises storing in said memory a database including data associated with said radio frequency identification device.

3. (Previously presented) Method of claim 1 wherein said establishing of said relationship comprises storing in said memory an identification indicia indicative of said radio frequency identification device.

4. (Original) Method of claim 1 wherein said establishing of said relationship comprises storing in said memory an identification of the customer to whom said container is provided.

5. (Original) Method of claim 1 further comprising:

receiving orders from customers, said orders being for goods from a plurality of vendors, said orders being communicated to each of said vendors;

collecting said goods from said plurality of vendors at a central location;

providing said goods in said reusable containers;

informing said customers when said goods will be available for pickup; and

making said goods available for pickup by said customers, wherein said goods are in said reusable containers.

6. (Previously presented) Method of claim 5 wherein said customers return said reusable containers to a central collection point, said method further comprising querying the radio frequency identification devices within said containers when said customers return said containers to said collection point.

7. (Previously presented) Method of claim 1 further comprising crediting accounts of those customers who return their reusable containers, said crediting being accomplished by a computer that receives the data scanned in from said radio frequency identification devices.

8. (Currently amended) A system comprising:

a memory;

a plurality of reusable containers, each reusable container having a radio frequency identification device affixed thereto; and

a scanner [[for]] scanning the radio frequency identification device affixed to said containers and tracking when said containers are provided to customers and when said containers are returned by said customers.

9. (Original) System of claim 8 wherein a computerized billing system is electronically coupled to the memory so that a customer [[can be]] is billed if that customer does not return the reusable container.

10. (Previously presented) A method comprising:

providing goods in reusable containers, said reusable containers having a radio frequency identification device attached thereto;

establishing a relationship between a radio frequency identification device and a memory;

shipping said goods in said containers to a distribution point;

providing said goods to customers;

collecting said reusable containers; and

identifying which containers have been collected by electronically querying the radio frequency identification devices attached to the reusable containers.

11. (Currently amended) A system comprising:

a memory;

a plurality of reusable containers, each reusable container having a radio frequency identification device affixed thereto; and

a scanner [[for]] scanning the radio frequency identification device affixed to said containers and tracking said containers, said containers being collected at a collection point after they have been used to ship products, said scanner scanning the radio frequency identification device affixed to said containers at the collection point so that the collection of said containers can be logged.

12. (Currently amended) System of claim 11 wherein said containers are collected at a collection point after they have been used to ship products, ~~whereby~~ said scanner ~~scans~~ scanning the ~~RFID~~ radio frequency identification device ~~apparatus~~ affixed to said containers at the collection point so that the location of said containers can be tracked.

13. (Currently amended) A method comprising:

providing goods in reusable containers, said reusable containers having an indicia attached thereto;

establishing a relationship between said indicia and a memory;

providing said goods in said containers to customers;

collecting said reusable containers from said customers; and

identifying which customers have returned their reusable containers by electronically reading the indicia attached to the reusable containers collected from said customers.

14. (Original) Method of claim 13 wherein said indicia comprise machine readable indicia, said method further comprising scanning said machine readable indicia prior to providing said goods in said containers to said customers, and entering into said memory information indicating the containers and the customers to whom said containers are being provided.

15. (Original) Method of claim 14 wherein said indicia comprises a bar code or a magnetic strip.

16. (Original) Method of claim 14 further comprising collecting said containers from said customers and scanning said indicia after collecting said containers from said customers.

17. (Original) Method of claim 13 wherein said indicia are machine-readable indicia, said reading of said indicia comprising scanning said indicia electronically.

18. (Currently amended) A method comprising:

providing goods in reusable containers, said reusable containers having identification indicia attached thereto;

establishing a relationship between that indicia and a memory;

providing said goods in said containers to customers;

collecting information on the purchasing habits of said customers and storing said information in a memory device; and

offering a reduction of shipping cost in exchange for allowing targeted advertisement to be added to the reusable containers in response to said information in said memory device.

19. (Previously presented) Method of claim 1 wherein said reusable containers contain one or more consumer products and are provided to the consumers of said consumer products in said containers.

20. (Previously presented) System of claim 8 wherein said containers contain one or more consumer products and are provided to the consumers of said consumer products in said containers.

21. (Previously presented) Method of claim 10 wherein said reusable containers contain one or more consumer products and are provided to the consumers of said consumer products in said containers.

22. (Previously presented) System of claim 11 wherein said containers contain one or more consumer products and are provided to the consumers of said consumer products in said containers.

23. (Previously presented) Method of claim 13 wherein said reusable containers contain one or more consumer products and are provided to the consumers of said consumer products in said containers.

24. (Previously presented) Method of claim 18 wherein said reusable containers contain one or more consumer products and are provided to the consumers of said consumer products in said containers.

25. (Previously presented) Method of claim 1 wherein said radio frequency identification device is provided in a compartment within said container.

26. (Previously presented) System of claim 8 wherein said radio frequency identification device is provided in a compartment within said container.

27. (Previously presented) Method of claim 10 wherein said radio frequency identification device is provided in a compartment within said container.

28. (Previously presented) System of claim 11 wherein said radio frequency identification device is provided in a compartment within said container.

29. (Currently amended) A method comprising:

providing goods in reusable containers, said reusable containers being equipped with a ~~RFID~~ radio frequency identification device;

providing said goods in said containers to customers;

collecting said reusable containers from said customers; and

identifying which customers have returned their reusable containers by electronically querying the ~~RFIDs~~ radio frequency identification devices with which the reusable containers collected from said customers are equipped.

30. (Previously presented) Method of claim 29 further comprising logging data in a memory indicative of the return of said reusable containers in response to said electronically querying.

31. (Currently amended) A system comprising:

a memory;

a plurality of reusable containers, each reusable container being equipped with a ~~RFID~~ radio frequency identification device; and

a scanner [[for]] scanning the ~~RFID~~ radio frequency identification device with which said containers are equipped and tracking when said containers are provided to customers and when said containers are returned by said customers.

32. (Currently amended) A method comprising:

providing goods in reusable containers, said reusable containers equipped with an ~~RFID~~ radio frequency identification device;

shipping said goods in said containers to a distribution point;

providing said goods to customers;

collecting said reusable containers after said shipping and providing; and

identifying which containers have been collected by electronically querying the ~~RFIDs~~ radio frequency identification devices with which the reusable containers are equipped.

33. (Previously presented) Method of claim 32 further comprising logging data in a memory indicative of the return of said reusable containers in response to said electronically querying.

34. (Currently amended) A system comprising:

a memory;

a plurality of reusable containers, each reusable container being equipped with a ~~RFID~~ radio frequency identification device; and

a scanner for scanning the ~~RFID~~ radio frequency identification device with which said containers are equipped and tracking said containers, wherein said containers are collected at a collection point after they have been used to ship products, and said scanner scans the ~~RFID~~ radio frequency identification device with which said containers are equipped at the collection point so that the return of said containers can be logged.

35. (Previously presented) Method of claim 29 or 32 wherein the goods provided in said reusable containers are one or more packaged items.

36. (Previously presented) Method of claim 29 or 32 wherein the reusable containers comprise are capable of containing one or more packaged items.

37. (Previously presented) System of claim 31 or 34 wherein said reusable containers are capable of containing one or more packaged items.

38. (Previously presented) System of claim 31 or 34 wherein said reusable containers contain one or more packaged items.

39. (Previously presented) System of claim 31 or 34 wherein said scanner is located at a container return facility and wherein said memory stores information indicative of the customers to whom said containers have been provided.

40. (Previously presented) System of claim 37 wherein said scanner is located at a container return facility and wherein said memory stores information indicative of the customers to whom said containers have been provided.

41. (Previously presented) System of claim 38 wherein said scanner is located at a container return facility and wherein said memory stores information indicative of the customers to whom said containers have been provided.

42. (Previously presented) Method of claim 29 or 32 wherein said containers are capable of containing different types of goods.

43. (Previously presented) Structure of claim 31 or 34 wherein said containers are capable of containing different types of goods.

44. (Previously presented) Method of claim 29 or 32 wherein said containers are capable of storing solid goods.

45. (Previously presented) Method of claim 29 or 32 wherein said containers store solid goods.

46. (Previously presented) Structure of claim 31 or 34 wherein said containers are capable of storing solid goods.

47. (New) Method of claim 29 further comprising:

electronically ordering from a plurality of different companies some of said goods, said ordering of said goods being accomplished by a customer;

shipping said goods to a distribution point for pick-up by said customer in response to said ordering.

48. (New) Method of claim 47 wherein said goods from said plurality of different companies ordered by said customer are provided in one of said reusable containers, said customer picking up said goods at said distribution point.

49. (New) System of claim 31 further comprising:

a computer receiving orders from customers for goods from a plurality of different vendors;

a distribution point receiving said ordered goods in response to said orders, said customers receiving said goods in reusable containers at said distribution point.